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Attorney for Plaintiff  
SAMUEL KWESI DADJO

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

SAMUEL KWESI DADJO,  
  
Plaintiff,

v.

ENCORE RECEIVABLE MANAGEMENT,  
INC., a Kansas corporation,  
  
Defendant.

Case No. C07-05856-SC

**NOTICE OF MOTION FOR  
PARTIAL SUMMARY JUDGMENT**

Date: September 19, 2008  
Time: 10:00 a.m.  
Judge: Honorable Samuel Conti  
Courtroom: 1, 17<sup>th</sup> Floor  
Place: 450 Golden Gate Ave  
San Francisco, California

TO: ALL DEFENDANTS AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on September 19, 2008, at 10:00 a.m., or as soon thereafter as this matter may be heard, in Courtroom 1 of the United States District Court located at 450 Golden Gate Avenue, San Francisco, California, before the Honorable Samuel Conti, United States District Judge, Plaintiff, SAMUEL KWESI DADJO ("Movant"), will move the Court for an Order:

1) declaring that Defendant's answering machine messages violate the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692d(6) and 1692e(11); 2) declaring that Defendant's answering machine messages violated the Rosenthal Fair Debt Collection Practices Act, Cal. Civil Code §§ 1788.11(b), and 1788.17; 3) awarding Plaintiff statutory damages in an amount not exceeding \$1,000 pursuant to 15 U.S.C. § 1692k(a)(2)(A); 4) awarding Plaintiff statutory penalty in an amount not less than \$100 and not exceeding \$1,000 pursuant Cal. Civil Code § 1788.30(b); 5) awarding

1 Plaintiff statutory damages in an amount not exceeding \$1,000 pursuant to 15 U.S.C. §  
2 1692k(a)(2)(A) as incorporated by Cal. Civil Code § 1788.17; 6) awarding Plaintiff the costs of this  
3 action and reasonable attorneys fees pursuant to 15 U.S.C. § 1692k(a)(3) and Cal. Civil Code §§  
4 1788.30(c) and 1788.17; and 7) awarding Plaintiff such other and further relief as may be just and  
5 proper.

6 This motion is made pursuant to Fed. R. Civ. P. 56 and Civil L.R. 7-2 on the grounds that  
7 there no material issues of fact in dispute concerning Defendant's liability, therefore, Movant is  
8 entitled to summary judgment as a matter of law.

9 This motion is based on this Notice, the Motion for Partial Summary Judgment, the  
10 Memorandum of Points and Authorities in Support of Motion for Partial Summary Judgment, the  
11 Declaration of Samuel Kwesi Dadjo in Support of Motion for Summary Judgment, the Declaration  
12 of Fred W. Schwinn in Support of Motion for Partial Summary Judgment, and such other evidence,  
13 argument, and authorities which may be presented at or prior to the hearing before this Court on this  
14 Motion, and such other and further matters of which this Court may take judicial notice.

15 Please govern yourself accordingly.

16  
17 CONSUMER LAW CENTER, INC.

18  
19 Dated: August 15, 2008

20 By: /s/ Fred W. Schwinn  
21 Fred W. Schwinn, Esq.  
22 Attorney for Plaintiff  
23 SAMUEL KWESI DADJO  
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